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Attorneys for Plaintiff/Defendant/
Third-Party Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARCUS A. DeWOOD, M.D. a
single man,

Plaintiff,

vs.

UNUM/PROVIDENT
CORPORATION, a foreign
corporation d/b/a THE PAUL
REVERE LIFE INSURANCE
COMPANY,

Defendant.

THE PAUL REVERE LIFE
INSURANCE COMPANY,

Plaintiff,

vs.

Case No.: CV-04-0456-LRS
CONSOLIDATED

**STIPULATED PROTECTIVE
ORDER**

STIPULATED PROTECTIVE ORDER - 1

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A Professional Service Corp.

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1 MARCUS DEWOOD,

2
3 Defendant/Third-Party Plaintiff,

4 vs.

5 UNUM PROVIDENT
6 CORPORATION, a foreign
7 corporation d/b/a THE PAUL
8 REVERE INSURANCE COMPANY,

9 Third-Party Defendants.

10 The parties to this action, through their respective counsel, hereby stipulate
11 to entry of this mutual protective order for purposes of limiting use and disclosure
12 of certain "CONFIDENTIAL" information.
13

14 1. Confidential Information.

15
16 The parties to this litigation may designate and mark as
17 "CONFIDENTIAL" any discovery, including without limitation documents,
18 writings, and records that qualify for a protective order as contemplated by FRCP
19 26(c). Such designation and marking shall subject the information produced or
20 provided under said designation to the provisions of this Confidentiality
21 Agreement. All or any portion of any documents, transcripts, writings or
22 recordings of any sort which substantially quote or paraphrase information
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1 regarding the Confidential document, testimony, information or material shall
2 also be deemed Confidential and subject to the terms and condition of this
3 Protective Order. The parties shall act in good faith and on a reasonable basis
4 when designating and marking material "CONFIDENTIAL."
5

6 2. Filing, Under Seal.
7

8 Whenever any writing, testimony, information or material designated as
9 "CONFIDENTIAL" is used or submitted to the Court in conjunction with any
10 filing or proceeding in this litigation, it shall be so marked and shall be filed
11 separately under seal with the Court. Where possible, only Confidential portions
12 of filings with the Court shall be filed under seal.
13

14 3. Access to Confidential Information.
15

16 Except upon prior written consent of the party asserting
17 "CONFIDENTIAL" treatment or upon further order of a court of competent
18 jurisdiction, documents, testimony, information or material designated as
19 "CONFIDENTIAL" shall be held in strict confidence and shall be used solely for
20 the purposes of prosecution or defense of this litigation. Access to
21 "CONFIDENTIAL" documents, testimony, information or material shall be
22 limited to:
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1 (a) the Court, including any Court personnel assisting the Court,
2 stenographers or other persons involved in taking or transcribing court or
3 deposition testimony in this action, and members of the jury;
4

5 (b) Plaintiff, Defendants and their counsel of record and paralegal,
6 clerical and secretarial employees of counsel of record;
7

8 (c) the officers, directors or employees of a party participating in the
9 prosecution, defense, settlement or other disposition of this action;
10

11 (d) mediators, consultants, experts or litigation support services,
12 including outside copying services, retained by a party for the purpose of assisting
13 that party in this action provided such persons agree in writing to abide and be
14 bound by the terms of this Order in the form attached hereto as **Exhibit A**;
15

16 (e) potential witnesses provided such persons agree in writing to abide
17 and be bound by the terms of this Order in the form attached hereto as **Exhibit A**;
18

19 (f) any person who is an author, addressee, or recipient of, or who
20 previously had access to, the Confidential Information;
21

22 (g) deposition witnesses who agree in writing to abide by and be bound
23 by the terms of this Order in the form attached hereto as **Exhibit A**;
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1 (h) any other person as to whom the party that designated the document
2 or information as Confidential has consented to disclosure in advance; and

3
4 (i) any other person designated by the Court.

5 4. Copy and Storage of Confidential Information and Material.
6

7 No party shall, for itself or for any person or persons acting on its behalf,
8 make more copies of any "CONFIDENTIAL" information or material than are
9 reasonably necessary to conduct this litigation. Except as otherwise provided for
10 in this Confidentiality Agreement, all "CONFIDENTIAL" information and
11 material shall remain in possession of counsel for the respective parties or the
12 parties themselves, and be stored in a secure place.

13
14 5. Challenges to Confidential Designations.
15

16 If any party to this litigation objects to the designation of any document,
17 testimony, information or material as "CONFIDENTIAL," the party may, by
18 notice to the producing party, object to the designation. Any party who objects to
19 the designation of any documents or information as "CONFIDENTIAL" must
20 meet and confer with the party who so designated the documents or information
21 in an effort to resolve any differences. In the event the parties are unable to
22 resolve their differences regarding designation after a reasonable opportunity to
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1 meet and confer, the objecting party has the burden to file a motion requesting the
2 Court for a ruling on the confidentiality status of the document, testimony,
3 information or material at issue. However, the burden shall remain with the
4 producing party seeking confidentiality to justify such designation. Unless and
5 until the Court enters an order to the contrary, the documents, testimony,
6 information or material at issue shall retain the "CONFIDENTIAL" treatment
7 initially assigned to it by the producing party.
8
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10 6. Procedures Upon Termination of Action.
11

12 Within thirty (30) business days following any final settlement or the
13 running of any applicable time to appeal the final order entered in this litigation,
14 all parties shall either (i) return to the person who produced such materials all
15 copies of all Confidential information obtained through discovery in this action or
16 (ii) certify to that person that all such materials have been destroyed, except that
17 counsel for each party may retain in its files one copy of each pleading, brief or
18 document filed with the Court, and deposition and trial transcripts and exhibits
19 thereto, and correspondence, subject to the provisions of this Order. Copies of
20 "CONFIDENTIAL" documents that have been filed with the Court, may petition
21 the Court for return of such to the filing party.
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1 7. Efforts by Non-Parties to Obtain Confidential Information.

2 If any Party has obtained Confidential Information under the terms of this
3 Order and receives a subpoena or other compulsory process commanding the
4 production of such Confidential Information, such Party shall promptly notify the
5 producing party or non-party. The subpoenaed party shall not produce any
6 Confidential Information in response to the subpoena without the prior written
7 consent of the producing party or non-party unless in response to an order of a
8 court of competent jurisdiction. The parties will not object to the producing party
9 or non-party having a reasonable opportunity to appear in the litigation or process
10 commanding disclosure of such Confidential Information for the sole purpose of
11 seeking to prevent or restrict disclosure thereof.
12

13 8. Continuing Jurisdiction.

14 All provisions of this Protective Order shall continue to be binding after the
15 conclusion of this action unless subsequently modified by agreement between the
16 parties or order of the court and the court shall retain jurisdiction of this matter for
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26 STIPULATED PROTECTIVE ORDER - 7

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1 the purpose of enforcing this Protective Order.

2 SO ORDERED:

3
4 DATED this 15th day of August, 2005.

5 BY COURT:

6
7 s/Lonny R. Suko

8 JUDGE LONNIE R. SUKO

9 STIPULATED TO AND
10 PRESENTED BY:

11 DUNN & BLACK, P.S.

12
13 By: 

14 ROBERT A. DUNN

15 WSBA # 12089

16 Attorney for Marcus DeWood, M.D.

17 STIPULATED TO TERMS AND FORM; NOTICE
18 OF PRESENTMENT WAIVED:

19 LANE POWEL, PC

20
21 By: 

22 CHARLES C. HUBER

23 WSBA # 18941

24 Attorney for UNUM/Provident

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26 STIPULATED PROTECTIVE ORDER - 8

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EXHIBIT A**CONSENT TO PROTECTIVE ORDER**

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4 1. I, _____, have read the foregoing Stipulated
5 Protective Order dated June _____, 2005 (the "Protective Order"), and agree to be
6 bound by its terms with respect to any documents, material or information
7 designated or marked "Confidential" that are furnished to me as set forth in the
8 Protective Order.
9

10 2. I further agree (i) not to disclose to anyone any documents, material
11 or information marked "Confidential" other than as set forth in the Protective
12 order; and (ii) not to make any copies of any documents, materials or information
13 marked "Confidential" furnished to me except for use in accordance with the
14 Protective Order; and (iii) not to use any documents or information produced or
15 provided to me in connection with this litigation for any purposes other than those
16 prosecuting and/or defending this action as set forth in paragraph 8 of the
17 Protective Order.
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3. I hereby consent to the jurisdiction of the United States District
Courts, Eastern District of Washington with regard to any proceedings to enforce
the terms of the Protective Order

Signature

Date

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STIPULATED PROTECTIVE ORDER - 10

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